1. **Welcome from the Chairman**

1.1 The Chairman extended a welcome to John Varley, who was attending his first Board meeting, and to everyone else, and asked for declarations of interest. Declarations were received from:

- Nigel Reader as a member of the Marine Management Organisation (MMO) and Natural Resources Wales (NRW), and
- John Varley as a member of the Environment Agency.

The Chairman was satisfied there were no conflict of interest.

On behalf of the Board, the Chairman thanked Caroline Cotterell as it was her last Board meeting as Director of the Executive Office.

2. **Confirmation of March 2015 Board Minutes and Matters Arising (NEB M51 01)**

2.1 The minutes of the March Board meeting were confirmed and it was noted that all the actions had been discharged.

**Action:** Board and Executive Services to produce confirmed March Board minutes.
3. **Chief Executive Report (NEB 52 01)**

3.1 James Cross introduced his report drawing attention to the improved performance position, faster response to potential risks, his concerns about stress and morale, and reiterating the role of Board members had in promoting Natural England’s vision and demonstrating leadership to the organisation.

**Action: James Cross/BES to provide Board members with briefing on key messages when meeting teams/staff.**

3.2 The Board noted:

3.2.1 The end of February report on performance, operational risks/issues and staff/programme resource use, and acknowledged the focus over the next 9 months on the one ‘red’ and one ‘amber-red’ KPIs with the objective of achieving ‘amber-green’ status.

3.2.2 NESAC would drill down on the SSSI KPI at its May meeting and would report its assurance to the Board.

**Action: Andy Clements to report on NESAC drill down on the SSSI KPI to the May Board**

3.3 Jonathan Burney introduced the drill down on the Marine Protected Areas Programme by setting the policy context and Natural England’s role in delivering Defra’s objectives. The Board noted: the opportunities for marine outcomes; progress on targets; particular challenges in relation to running Tranches 2 and 3 at the same time; and, resourcing of, and risks to, Marine Programme delivery. Chairman thanked Jonathan Burney and in discussion the Board:

3.3.1 Welcomed the opportunity both to receive information on the key issues in a big programme at Board meetings, and to engage as individuals with Teams on complex cases and issues.

3.3.2 Acknowledged good partnership working with the Marine Management Organisation (MMO) and inshore Fisheries and Conservation Authorities (IFCAs) and recognised the potential for Natural England to be more engaged with MMO over marine planning at a strategic level.

3.3.3 Noted the circumstances for Natural England getting involved with risks of infraction but advised it did not sense a reputational issue for Natural England’s marine work. While recognising the challenges in delivering the programme in 2015/16 the Board recognised the development of this work over past years.

3.3.4 Sought clarification on assessing economic impacts of marine designation and received legal advice on this. It was recognised that Natural England’s role was to provide a recommendation based on environmental evidence for a Defra/Ministerial decision on designation, and Board members advised that this message should be reinforced with stakeholders.

3.3.5 Raised the Marine Team staff survey results and noted the investment in face to face team meetings paid dividends.
Paul Lambert reported the Rural Development Programme for England (RDPE) and (Grant in Aid) GIA final budget out-turns and the Board offered congratulations on the year-end financial performance.

Verbal updates were given on the latest reputational issues.

Alan Law tabled a draft media release on Lynx to be issued in response to inaccurate media reports. The Board noted Natural England’s role as the appropriate licensing body for consideration of any application to release lynx into the wild in England. The Board agreed the media release should refer to ‘introduction’ and noted it would be finalised for release later that day.

Action: Chairman, James Cross and Julie Lunt to finalise media release on lynx in light of Board advice.

The Board expressed concern about the reputational implications for Natural England over the handling and media coverage of the implementation of new EU requirements for stocking rate records agreed by Defra earlier in the month. Guy Thompson gave the background to the policy decision by Defra and steps being taken by Natural England to redress the impact on, and trust in, the scheme. Board members cited examples of their experiences and offered to help, advising that Natural England needed to manage increasing demands for control and verification and the culture within the organisation to ensure that the key objectives of outcomes for nature conservation with good customer relationships could be met.

Tim Hill gave an update on Bovine TB. The Board noted Tim Hill’s forthcoming meetings with the Chief Vet.

Action: Tim Hill to bring a paper on bTB to the May Board and if necessary consult the Board in the interim.

Julie Lunt gave an update on the Badger Trust FOI appeal.

Action: Julie Lunt to provide an update on the Badger Trust FOI appeal to the May Board.

Alan Law gave an update on Natural England’s handling of three consent applications. The Board advised that upland stakeholders should be alerted and Teresa Dent offered her help.

In response to questions on other cases, Board members:

Action: Board Services to provide information requested by David Hill on the West Wittering case.

Were reassured there was no risk to life with the dam failure at Hammer Pond (Thursley NNR) and that a subsequent review had provided assurance that the correct management procedures were in place to inspect and certify similar features elsewhere on our estate bar the need for regular review by qualified surveyors which is now being introduced.

Advised that Natural England need not become involved in the rebranding of the Broads Authority as a National Park and this was supported by legal advice.

Supported the plans for a Science Symposium and advised that invitations should
be inclusive.

3.6.4 Requested an update on consenting issues on the Bowland and Abbeystead Estate to the May Board meeting.

**Action:** Alan Law to give an update on the consenting issues on the Bowland and Abbeystead estate to the May Board.

4. **Spending Review 2015 (NEB 52 02)**

4.1 James Cross gave a presentation to update the Board on the headlines from the Defra network SR2015 proposals, and based on the Board steer, Natural England’s medium term financial strategy. In discussion the Board:

4.1.1 Offered advice about Natural England positioning itself to be seen as a competent and efficient organisation with the authority to respond to both the threats and opportunities presented by SR2015.

4.1.2 Was reassured Natural England had a plan if needed and noted charging was a common element in Defra and Natural England strategies.

4.1.3 Recognised BIG’s role in helping to develop the narrative on natural capital and noted there would be a presentation to the May Board setting the scene around natural capital and valuation work.

5. **Conservation Strategy and Designations Strategy Development (NEB 52 03)**

5.1 Alan Law introduced the paper explaining that the focus for this meeting would be the Conservation Strategy, with the Designations Strategy included in the paper as requested at the last Board, but scheduled for Board discussion in the autumn.

5.2 Nick Macgregor set out the vision for the Conservation Strategy. In response to the invitation to consider how it wished to engage with the development of the Conservation Strategy and to provide general steers on its tone and content, Board members in a wide ranging discussion:

5.2.1 Recognised and supported the ambition of the Strategy which it considered was moving positively but advised it should include looking for new and imaginative sources of funding and needed to address the issue of affordability. The Strategy’s aspirations could not be met without capturing additional funds through leverage. The securing of tools such as conservation covenants should be pursued.

5.2.2 Welcomed Natural England’s demonstration of leadership and commended the authority of the presenters, recognising the need to agree the Strategy internally first.

5.2.3 Supported the general themes for the work streams, but suggested that the long term solutions should be renamed.

5.2.4 Recognised the Strategy was not constrained by the Biodiversity 2020 target and would also set out how to make a difference over 30 years. While saluting the ambitions of the Strategy, it was essential to take people with us. Part of the Strategy should also be aligning the different perspectives within Natural England.

5.2.5 Advised that conservation of ancient woodlands should be included as a priority and
while recognising that a Strategy should not rule out options, advised that reference to ‘re-wilding’ was potentially unhelpful.

5.2.6 Encouraged the team to consider ‘how’ the outcomes were to be achieved in parallel to the current focus on ‘what’ was to be achieved, and offered BIG’s help. Drivers such as CAP needed to be included and it would be helpful to start thinking now how to influence CAP in 2020 and beyond.

5.2.7 Reflected on the experience of the Lawton Review which was of fundamental importance in allowing Natural England to influence a broader agenda, and advised that the same challenge of engagement with people and getting things going applied to the Strategy as it had for Lawton. There was clear policy in the White Paper and the Strategy should show how it added value by setting out a high level plan which gave others to licence to operate.

5.2.8 Advised that the tone and content of the Strategy was not pitched at the right level to persuade others and engender support. Natural England’s role as a Strategic Leader, delivery body and an adviser providing the basis for the Strategy was explored. There needed to be alignment with the Strategic Direction’s focus on recognising reliance on others to deliver - encouraged by levers and inspiration with regulation as the last resort.

5.2.9 Advocated that the challenge was not the vision but how to make it happen which depended on generating support from those involved with delivery, and for which it was necessary to set out in the Strategy how best to engage others.

5.2.10 Advised that there should be engagement with the Environment Agency and the Forestry Commission in taking the agenda forward.

5.3 Alan Law thanked Board members for their views. He would consider their steers and provide coherent terms of reference to build on in the next steps of developing the Conservation Strategy.

5.4 The Board recognised the involvement of NESAC and BIG and welcomed the opportunity to have considered the Strategy as a Board, but agreed the next stages would be best served by a Conservation Strategy Board sub-group which could give guidance on the development of the Strategy over the next 9-12 months. Teresa Dent and Alan Law agreed to set up the sub-group and David Hill offered to serve on it.

Action Teresa Dent and Alan Law to set up a Conservation Strategy Board sub-group.

6. Possible Special Areas of Conservation for Harbour Porpoise (NEB 52 04)

6.1 Chairman asked the Board to consider whether it endorsed the Joint Nature Conservation Committee’s (JNCC’s) recommendations to Government on two sites for designation as Special Areas of Conservation for Harbour Porpoise which included some English onshore waters: the Southern North Sea and Bristol Channel approaches.

6.1.1 Noted that papers had been reviewed by the JNCC Marine Protected Areas sub-group.
6.1.2 Queried why the same number of harbour porpoises (1351) was given for the interest feature under the EU Habitats Directive in the selection assessment for both sites and was advised this was a mistake which would be followed up and corrected. Questions were also raised about the sufficiency threshold figures.

6.1.3 Supported the proposition in principle but on legal advice, deferred its decision on whether or not to endorse the JNCC advice until it had received the correct figures. It was agreed the Board would be provided with a summary table showing the proportion of harbour porpoise population and the proportion of the habitat contributed by each site with a request to endorse the JNCC advice.

**Action:** Alan Law/Jonathan Burney to send Board members the correct harbour porpoise numbers in a table with a request to endorse the JNCC advice.

6.2 Julia Aglionby requested background marine briefing which Jonathan Burney agreed to provide.

**Action:** Jonathan Burney to provide marine briefing for Julia Aglionby and other Board members.

7. **Species Control Orders and their use for the control of Monk Parakeets (NEB 52 05)**

7.1 The Board noted the new powers provided by Species Control Orders available to Natural England and the risks involved. It was noted Natural England could choose to exercise the power to deliver our remit, or could be instructed to do so by Defra.

7.2 The Board agreed, because any cases were likely to be contentious, the Board should be sighted before any decision by the Chief Executive to exercise this power.

7.3 Alan Law and Adrian Jowitt drew the Board's attention to a particular example of Monk Parakeets where Defra had indicated expectation of completion of the eradication policy through the use of a Species Control Order by Natural England. In discussion the Board thanked the team for bringing this case to its attention and in exploring the issues raised:

7.3.1 Noted that there would be no risk to future potential use of these powers if Natural England did not take responsibility for this SCO.

7.3.2 Accepted there was evidence for the potential impact on biodiversity.

7.3.3 Sought information on the SCO appeals process which Julie Lunt agreed to provide.

**Action:** Julie Lunt to send Board members information on the appeals process for Species Control Orders.

7.4 In conclusion the Board did not consider the monk parakeet issue to be part of its core business and carried significant reputational risks. It was of the view that since eradication of Monk Parakeets was a Defra policy, Defra should be responsible for issuing any SCO needed for the Animal and Plant Health Agency (APHA) to complete its work.
Action: Chairman, Alan Law and Adrian Jowitt to convey the Board’s response to the request to use Natural England Species Control Orders powers for Monk Parakeets to Defra.

8. The Role of External Funding in Helping Natural England Deliver Biodiversity 2020 Outcomes (NEB 52 06)

8.1 Alan Law and Craig Thomas updated the Board on the current development of Natural England’s external funding programme designed to secure significant resource to deliver Biodiversity 2020 outcomes.

8.2 In discussion the Board:

8.2.1 Supported the leadership role Natural England could provide across the sector through the mechanism of the Terrestrial Biodiversity Group and recognised the key to achieving the c £150M funding gap was getting the sector to align behind agreed priorities for Heritage Lottery Fund.

8.2.2 Was reassured there was expertise in the External Funding Team working with Procurement to handle any EU bids, and that the current organisational change provided a better link between strategy and operations.

8.2.3 Advised that working with the National Trust and a step change in engagement with people should be included in development plans.

8.3 The Board endorsed the approach of using Natural England resources to lead external funding bids which would lever substantial funding from Heritage Lottery Fund and the EU amongst others for delivery projects and wished the team well.

9. Countryside Stewardship Update (NEB 52 07)

9.1 Guy Thompson and Tim De-Keyzer gave updates to the Board. Guy Thompson provided assurance to the Board on recent steps to mitigate risks through his attendance at CAP- Delivery Programme Executive meetings under the new leadership of Mark Grimshaw and the appointment of Geoff Sansome to lead the design and delivery of the manual approach to the middle tier. Tim De-Keyzer outlined the increased disallowance risk with continuation of manual handling; the mounting risk with Countryside Stewardship options ready to go; dual use not yet being resolved; and, greening double funding with 3 test cases - subject to appeal.

9.2 The Board was reminded of its stance on Countryside Stewardship at its last meeting, and in discussion:

9.2.1 In response to concerns about the level of demand for the mid-tier and the risks associated with encouraging farmers to apply who might then not be accepted for an agreement and/or get a high quality experience, was reassured that part of the approach was to get a realistic expectation of success at an early stage in the process, and that the work invested in designing the options and targeting framework would provide a strong foundation to ensure high quality agreements.

9.2.2 Advised Natural England should put even more effort into briefing advisers in Area teams on the messaging around scheme uptake for both tiers to avoid the risk of developing a lag for this year, and of agreement holders delaying applications until next year when things were more certain.
9.2.3 Recognised the issue, with 40% fewer agreements, of the risk to land coming out of agreements and the reputational risks for Natural England in association with this. The Campaign for the Farmed Environment events being run to persuade land managers to continue to work for environmental outcomes were noted as an important vehicle for us to invest in as a partner.

9.2.4 Were reassured that there was ongoing dialogue at Chairman and Chief Executive level with the CLA and NFU, and stressed the importance of good briefing.

9.2.5 Advised that advance thinking for the mid-term CAP reforms should begin now and be informed by the learning history from the current scheme introduction.

9.2.6 In the context of ongoing uncertainties around the quality of the IT solution available for 1 July, noted the Chief Executive’s request to the Chief Operating Officer to execute a contingency plan with immediate effect to launch the scheme with an entirely manual-based solution.

9.2.7 Sought reassurance in the level of confidence that a fit-for-purpose IT system would be available for 2016 onwards and asked for assurance that Natural England would be involved in consideration of the long term solution.

**Action:** Guy Thompson to execute a contingency plan with immediate effect to mitigate the risk of a sub-optimal IT solution being in place to launch the scheme on 1 July.

9.3 Nigel Reader reported from the last CAPD ARAC Chairs meeting with concerns voiced about morale and motivation in the Programme, a further change in Senior Responsible Officer and the risk of not learning from previous mistakes.

9.4 The Board recognised the difficulties faced by Natural England staff and offered appreciation about how hard everyone was working for a successful outcome. Board members offered to play their part in encouraging applications from expiring agreement holders and promoting Countryside Stewardship.

**Action:** Teresa Dent to send Tim De- Keyzer positive feedback on Natural England’s role in introducing Countryside Stewardship.

**Action:** Guy Thompson to pass on to staff Board’s appreciation and thanks for all involved in introducing Countryside Stewardship.

10. **Upland Peat Working Group Update**

10.1 Julia Aglionby gave an update on: workshops with stakeholders; the staff workshop to be held the next day; the need to celebrate Area Teams’ use of the outcome approach; and a proposal to change the name of the group.

10.2 In discussion the Board agreed the group should be called the Upland Working Group.

**Action:** BES to update Upland Peat Working Group TOR to reflect name change to Upland Working Group.

10.2.2 Reminded themselves that the Upland Working Group work would inform the EU challenge at the end of the year.
10.2.3 Recognised the effort invested in reaching a common vision for the uplands and stressed the importance of delivery through agreement of a trajectory towards a set of common outcomes.

10.3 The Chairman thanked the Upland Working Group for all they were doing.

11. **Staff Morale and the Staff Survey (NEB 52 08)**

11.1 As requested at the March meeting the Board was presented with an analysis of positive staff survey response rates by Natural England Team and by type of appointment.

11.2 In discussion the Board:

11.2.1 Were surprised that there were more positive responses from fixed term appointment than permanent staff and discussed the possible reasons for this.

11.2.2 Explored whether the leadership results reflects issues in Natural England senior leadership or with Defra and government.

11.2.3 Recognised the variety of scores reflected local leadership, and noted the number of people giving a neutral response had increased compared with the last survey, with a consequential impact on positive scores.

11.2.4 Reflected the results did not tally with their experience from the GRAFTAs and engagement with teams and looked forward to receiving the next set of reports from Area Managers on how they were exercising their new powers.

**Action:** Paul Lambert to include next set of Area Team quarterly reports in Chief Executive’s report to May Board

11.2.5 Advised of the risk in considering the total benefits package of raising expectations which could not be delivered

11.3 The Board expressed particular concern over the bullying and harassment figures and was reassured by the follow up action requested of each team and by the Senior Leadership Team. It was recommended a campaign should be mounted.

11.4 The Chairman concluded the poor results of the staff survey were for the Senior Leadership Team to address with Board support.

12. **Board Member Objectives (NEB 52 09)**

12.1 The Board agreed their objectives for 2015/16 subject to:

12.1.1 Including reference to having regard for propriety, regularity and value for money;

12.1.2 Changing references to ‘supporting’ or ‘advising’ the Chairman, to ‘working with the Chairman collectively as a Board’.

**Action:** BES to update the Board objectives for 2015/16 to include agreed changes.

12.2 Board members reviewed the list of their current additional specialisms and
responsibilities and concluded that they would wish to be assigned to an Area team or teams and that consideration should be given to assignment to Delivery teams too. The introduction of quarterly team meetings would provide a mechanism for Board member engagement.

Action: BES to prepare an updated Annex 3 (Current Board member specialisms and responsibilities) for consultation with Board members.

13. Audit and Risk Assurance Committee (ARAC) Update (NEB 52 10)

13.1 Nigel Reader introduced his ARAC update to the Board which noted:

13.1.1 The unconfirmed minutes of the March ARAC meeting.

13.1.2 Nigel Reader had chaired the Defra ARC Chairs’ meeting the previous week.

13.1.3 Nigel Reader would be reviewing the draft Annual Accounts with the Finance Team on 5 May 2015.

14. Health, Safety and Wellbeing Update to include Initial Internal Audit Findings (NEB 53 11)

14.1 Paul Lambert introduced the Health, Safety and Wellbeing report.

14.2 The Board noted the positive initial findings from the Health and Safety Audit and noted the final report and action plan would be delivered to the May Board.

Action: Paul Lambert to deliver final H&S audit report to the May Board.

14.3 The Board noted the Quarter 4 incident statistics and the summary for 2014/15 and was reassured to note that the Senior Leadership Team had reviewed sickness rates which were low and not increasing, and continued to monitor stress related illness.

Action: BES to send John Varley the previous H and S Board paper with a drill down on stress and wellbeing.

15. Board Innovation Group (BIG) Update (NEB 52 12)

15.1 David Hill introduced the update from the Board Innovation Group’s last meeting which had considered: a strategy for commercial services; a strategy for NNRs; and, progress on protected species work. In discussion, the Board:

15.1.1 Raised the ongoing issue of bats and were pleased to learn that local advisers now had authority to make decisions on small numbers of bats and advised that this change should be communicated more widely. It was noted there was more capacity in Area teams through the assignment exercise and the Board advised for some species of bats it could be appropriate to adopt the same approach as for Great Crested Newts to allow effort to be focused on significant sites and populations.

15.1.2 Noted following discussion at BIG, worked up propositions of licensing and the NNR Strategy would be presented to the May Board meeting.

Action: Alan Law to present papers on licensing and the NNR Strategy to the
May Board meeting.

16. Natural England Science Advisory Committee (NESAC) Update

16.1 In Andy Clements absence, Tim Hill reported NESAC would be meeting the following week and would drill down on the SSSI target.

17. Board Diary (NEB 52 13)

17.1 The Board noted the Board diary for the rest of 2015.

18. Any Other Business

18.1 James Cross reported on next steps to recruit to Area Manager vacancies and reminded Board members to respond to his email about Directors’ appointments.

Action: Board members to respond to James Cross’s email about Director appointments by COP on 1 May 2015.

Actions log from April 2015 Board meeting

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